

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

*In re: Robert A. Clarin
and Donna J. Clarin,*

Chapter 7
Bky. No. 04-40456

Debtor(s).

**NOTICE OF HEARING AND MOTION
OBJECTING TO CLAIM OF CREDITOR
(CLAIM NO. 20)**

TO: Entities specified in Local Rule 3007-1.

1. Terri A. Georgen-Running, trustee (the "Trustee") of the bankruptcy estate of the above-named Debtor(s) moves the Court for the relief requested below and gives notice of hearing.

2. A hearing will be held on this motion by the Honorable Nancy C. Dreher, Courtroom No. 7 West, 7th Floor - United States Courthouse, 300 S. Fourth Street, Minneapolis, Minnesota on **November 3, 2004 at 10:30 a.m.**, or as soon thereafter as counsel may be heard.

3. Any response to this motion must be filed and delivered not later than October 27, 2004, which is seven (7) days before the hearing date, including intermediate Saturdays, Sundays and legal holidays, or filed and served by mail not later than October 22, 2004, which is ten (10) days before the hearing date, including intermediate Saturdays, Sundays and legal holidays. **UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.**

4. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334, FED. R. BANKR. P. 5005 and Local Rule 1070-1. This is a core proceeding. The petition commencing this Chapter 7 case was filed on February 2, 2004 and is now pending before this court.

5. This motion arises under 11 U.S.C. §§502 and 704, FED. R. BANKR. P. 3002 and 3007 and Local Rule 3007-1. This motion is filed under FED. R. BANKR. P. 9014 and 9014 and Local Rule 9013. The Trustee requests relief with respect to Claim No. 20 filed in the Debtor(s)' case.

6. Universal Packaging ("Claimant") filed a proof of claim on May 21, 2004, asserting an unsecured non-priority claim in the amount of \$690.15 (the "Claim"). The Claim reflects that the basis for the obligation is for money loaned/services provided/goods sold to Aitkin County Pallet, Inc. (a corporation owned by the Debtor(s)). There is no documentation to establish that the Debtors personally guaranteed the Claim.

7. As a result, the trustee is unable to determine whether the Claim is properly filed in this case.

WHEREFORE, the Trustee respectfully requests that the Court disallow Claim No. 20 and such other relief as may be just and equitable.

Dated: September 29, 2004

GEORGEN-RUNNING LAW FIRM
A Professional Corporation



By: /e/ Terri A. Georgen-Running
Terri A. Georgen-Running (No. 238338)
P.O. Box 16355
St. Paul, MN 55116
(651) 699-6980
(651) 292-1234 *Facsimile*

ATTORNEYS FOR THE TRUSTEE

VERIFICATION. I, Terri A. Georgen-Running, the moving party named in the foregoing notice of hearing and motion declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information and belief.

Dated: September 29, 2004

/s/ Terri A. Georgen-Running
Terri A. Georgen-Running, Trustee

UNITED STATES BANKRUPTCY COURT DISTRICT OF MINNESOTA (MINNEAPOLIS)		PROOF OF CLAIM
Name of Debtor ROBERT A CLARIN DONNA J CLARIN	Case Number 04-40456	  <div style="text-align: center; font-size: 2em; margin-top: 20px;">JD</div>
NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A "request" for payment of an administrative expense may be filed pursuant to 11 U.S.C. §503.		
Name of Creditor (The person or other entity to whom the debtor owes money or property): UNIVERSAL PACKAGING, Inc.	<input type="checkbox"/> Check box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars. <input type="checkbox"/> Check box if you have never received any notices from the bankruptcy court in this case. <input checked="" type="checkbox"/> Check box if the address differs from the address on the envelope sent to you by the court.	
Name and Address where notices should be sent: UNIVERSAL PACKAGING, Inc. 61 E PADONIA RD STE B BALTIMORE, MD 21093 Baltimore, MD 21093	Telephone Number: 410-825-8300	
Account or other number by which creditor identifies debtor: ACP-001	Check here if <input type="checkbox"/> replaces this claim <input type="checkbox"/> amends a previously filed claim, dated: _____	
1. Basis for Claim <input checked="" type="checkbox"/> Goods sold <input type="checkbox"/> Services performed <input type="checkbox"/> Money loaned <input type="checkbox"/> Personal injury/wrongful death <input type="checkbox"/> Taxes <input type="checkbox"/> Other _____		
<input type="checkbox"/> Retiree benefits as defined in 11 U.S.C. §1114(a) <input type="checkbox"/> Wages, salaries, and compensation (fill out below) Last four digits of SS #: _____ <input type="checkbox"/> Unpaid compensation for services performed from _____ to _____ (date) (date)		
2. Date debt was incurred: 12-10-03		
3. If court judgment, date obtained: _____		
4. Total Amount of Claim at Time Case Filed: \$ 690.15 (unsecured) (secured) (priority) (Total)		
If all or part of your claim is secured or entitled to priority, also complete Item 5 or 7 below. <input type="checkbox"/> Check this box if claim includes interest or other charges in addition to the principal amount of the claim. Attach itemized statement of all interest or additional charges.		
5. Secured Claim. <input type="checkbox"/> Check this box if your claim is secured by collateral (including a right of setoff). Brief Description of Collateral: <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other _____ Value of Collateral: \$ _____ Amount of arrearage and other charges at time case filed included in secured claim, if any: \$ _____	7. Unsecured Priority Claim. <input type="checkbox"/> Check this box if you have an unsecured priority claim Amount entitled to priority \$ _____ Specify the priority of the claim: <input type="checkbox"/> Wages, salaries, or commissions (up to \$4,925)* earned within 90 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier - 11 U.S.C. § 507(a)(3). <input type="checkbox"/> Contributions to an employee benefit plan - 11 U.S.C. § 507(a)(4). <input type="checkbox"/> Up to \$ 2,225* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. § 507(a)(6). <input type="checkbox"/> Alimony, maintenance, or support owed to a spouse, former spouse, or child - 11 U.S.C. § 507(a)(7). <input type="checkbox"/> Taxes or penalties owed to governmental units - 11 U.S.C. § 507(a)(8). <input type="checkbox"/> Other - Specify applicable paragraph of 11 U.S.C. § 507(a)(____). <i>*Amounts are subject to adjustment on 4/1/07 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.</i>	
6. Unsecured Nonpriority Claim \$ 690.15 <input checked="" type="checkbox"/> Check this box if: a) there is no collateral or lien securing your claim, or b) your claim exceeds the value of the property securing it, or if c) none or only part of your claim is entitled to priority.		
8. Credits: The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim.		
9. Supporting Documents: Attach copies of supporting documents, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, mortgages, security agreements, and evidence of perfection of lien. DO NOT SEND ORIGINAL DOCUMENTS. If the documents are not available, explain. If the documents are voluminous, attach a summary.		
10. Date-Stamped Copy: To receive an acknowledgment of the filing of your claim, enclose a stamped, self-addressed envelope and copy of this proof of claim.		
Date June 14, 04	Sign and print the name and title, if any, of the creditor or other person authorized to file this claim (attach copy of power of attorney, if any): Ryan L. Rvsh	

Send claims to:

 U.S. Bankruptcy Court
 301 U.S. Courthouse
 300 South Fourth Street
 Minneapolis, MN 55415

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.

For CHAPTER 7, 11 or 12 CASES filed on or after April 1, 2004

Universal Packaging

61 E. Padonia Road, Suite B
Baltimore, MD 21093

Invoice

Date	Invoice #
11/10/2003	1572

Bill To
Aitkin County Pallet, Inc. 16809 260th Avenue MC GRATH, MN 56350

Ship To
Aitkin County Pallet, Inc. 16809 260th Avenue MC GRATH, MN 56350

P.O. Number	Terms	Rep	Ship	F.O.B.
verbal per Bob	1% 10 Net 30	GStee	11/10/2003	

Quantity	Item Code	Description	Price Each	Amount
12.71	ACP-001	Steel Banding 3/4th X .023	54.30	690.15

			Total	\$690.15
			Balance Due	\$690.15

AITKIN COUNTY PALLET, INC.
16809 260TH AVENUE
MC GRATH, MN 56350
320-684-2761
320-684-2764 (FAX)

TO: Ryan Rush

DATE: 11/4/03

FAX#: 410 825-5050

TIME: 1:05

FROM: Bob Clarin

pages with cover <u>1</u>
<p>please order 12 coils of Steel banding 3/4" x .023 at \$54.30 per coil delivered pricing. Terms 19010 Net 30 Expected by 11/7/03 Normal usage = 1 pallet per month</p>

If you experience any difficulties in receiving this transmission
please call 320-684-2761

1200 lbs

Skid must weigh 1200 lbs

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

*In re: Robert A. Clarin
and Donna J. Clarin,*

Chapter 7
Bky. No. 04-40456

Debtor(s).

UNSWORN DECLARATION FOR PROOF OF SERVICE

I, Terri A. Georgen, declare that on the date indicated below, I served the following:

(1) Notice of Hearing and Motion Objecting to Claim of Creditor; (2) Unsworn Declaration for Proof of Service; and (3) Proposed Order

upon each of the entities named below, by mail (unless otherwise indicated below) by mailing to each of them a copy thereof by enclosing same in an envelope with first class mail postage prepaid, and depositing same in the post office at St. Paul, Minnesota, addressed to each of them as follows:

UNITED STATES TRUSTEE
1015 U.S. COURTHOUSE
300 SOUTH FORTH STREET
MINNEAPOLIS, MN 55415

UNIVERSAL PACKAGING
61 E PADONIA RD STE B
BALTIMORE, MD 21093

ROBERT A. CLARIN
DONNA J. CLARIN
31095 BAUGH ST. NW
PRINCETON, MN 55371

ROBERT KALENDA, ESQ.
919 W. ST. GERMAIN, STE 2000
ST. CLOUD, MN 56301

And I declare under penalty of perjury that the foregoing is true and correct.

Date: September 29, 2004

e/ Terri A. Georgen-Running

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

*In re: Robert A. Clarin
and Donna J. Clarin,*

Chapter 7
Bky. No. 04-40456

Debtor(s).

ORDER

At Minneapolis, Minnesota, _____, 2004

The above-entitled matter came before the Court on the Objection to Claim of Creditor filed by the Trustee. Appearances, if any, were as noted upon the record. Based upon all the files, records and proceedings herein,

IT IS HEREBY ORDERED:

1. Claim No. 20 is disallowed.

Judge Nancy C. Dreher
UNITED STATES BANKRUPTCY JUDGE